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January 19, 2016

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The Honorable Donna M. Ryu  
United States Magistrate Judge  
Northern District of California  
1301 Clay Street, Courtroom 4, 3rd floor  
Oakland, CA 94612

Re: *Oracle America, Inc. v. Google Inc.*, Case No. 3:10-cv-03561-WHA (N.D. Cal.)- Oracle's  
Proposed Order re: ECF No. 1404

Dear Judge Ryu:

Pursuant to the Court's instructions, Oracle is submitting a proposed order regarding its Motion to Compel, ECF No. 1404. The parties met and conferred but were unable to reach agreement on a form of order. Oracle believes that there are three substantive points of disagreement regarding Oracle's form of proposed order, described below. Google may also submit its own form of order.

**Time.** Oracle has not included an arbitrary time range on the scope of the disclosure; the only time limit is that implied by the terms of each agreement. Both parties have recognized that timing or timing windows could be a significant element of the analysis. Google requested a limitation of 2002 through 2012.

**Other Payments.** Oracle requests disclosure of other payments so that effective revenue share percentages can be calculated.

**Unit Volume Estimates.** Oracle requests this information so that per-device royalty rates can be calculated.

Sincerely,

/s/ Annette L. Hurst

Annette L. Hurst